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BANNER & WITCOFF LTD.,			LUI, DONNA V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary		Application No.	Applicant(s)			
		10/644,899	KOLMYKOV-ZOTOV ET AL.			
		Examiner	Art Unit			
		Donna V. Lui	2675			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. It period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	I. lety filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status			·			
1) 🛛	Responsive to communication(s) filed on 26 F	Feb 2004.	•			
2a)□	•					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)🖂	4)⊠ Claim(s) <u>1-72</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	5) Claim(s) is/are allowed.					
6)⊠	Claim(s) <u>1-72</u> is/are rejected.					
-	Claim(s) is/are objected to.					
8)□	Claim(s) are subject to restriction and/o	or election requirement.				
Applicati	on Papers		<i>:</i>			
9)	The specification is objected to by the Examine	er.				
10)	The drawing(s) filed on is/are: a) acc	cepted or b) objected to by the f	Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of:						
	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No.						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
See the attached detailed Office action for a list of the certified copies not received.						
	•					
Attachmen	t(s)					
√) Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)						
Paper No(s)/Mail Date 12/23, 2/26/04. 6) Other:						

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DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: not all the inventors have signed and dated the application.

Claim Rejections - 35 USC § 102

3. <u>Claims 1-5, 10, 18-19, 20-21, 24, 30-35, 39, 45-47, 49, 55-58, 64-66, and 72</u> are rejected under 35 U.S.C. 102(b) as being anticipated by Zetts et al. (Patent No.: 6,049,329).

With respect to <u>Claim 1</u>, Zetts discloses a method of receiving an input indicating that a first stylus (figure 1, element 29) is located proximate to a digitizer (figure 3, element 60). Zetts teaches the input to provide focus to a first control element corresponding to a location of the first stylus (column 4, lines 47-51; Note that focus is simply the positioning of the stylus on a digitizer corresponding to the position of a cursor on the display for receiving input, i.e. in the text window where the action is indicated by the pen pointer shape and the first control element is the text entry field labeled "Name." The "first control element" may correspond to any item on the display that the user may wish to activate or point).

With respect to Claim 19, Zetts discloses a method of determining whether a first stylus is located proximate to a surface of the digitizer. Zetts teaches providing focus to a first control element corresponding to a location of the first stylus in response to a determination that the first stylus is located proximate to the digitizer or contact between the first stylus and the surface of the digitizer (figure 7, 700 and 705; column 5, lines 17-23; Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to the determination of a touchdown event. After the location of the stylus is determined the focus is provided by element 715.

Determination of the window text only is equivalent to providing focus when appropriate. The focus is the position of the cursor on the display corresponding to the location of the stylus on the digitizer).

With respect to <u>Claim 46</u>, the claim differs from claim 19 in that claim 46 is a system and claim 19 is a method. Claim 46 recites the additional limitations of "an input device adapted

to generate an input indicating... proximate a surface of a digitizer" and "a processor programmed and adapted ..." Zetts teaches an input device (figure 3, element 60) to generate an input indicating when a first stylus is located proximate a surface of the digitizer (column 4, lines 49-53), and a processor (figure 1, element 11). Therefore claim 46 is rejected with claim 19.

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With respect to Claim 31, the claim differs from claim 46 only in that the claim 31 is broader, therefore claim 31 is rejected with claim 46.

With respect to Claim 56, the claim differs from claim 1 only in that claim 1 is a method and claim 56 is a computer-readable medium, where the additional limitation "including computer executable instructions stored thereon for performing a method comprising" are recited. Zetts teaches the computer readable mediums as memory, a hard disk storage, and a floppy disk device (figure 1; column 3, line 62- column 4 line 2). Therefore claim 56 is rejected with claim 1.

With respect to Claim 65, the claim differs from claim 19 only in that claim 19 is a method and claim 65 is a computer-readable medium. Claim 65 recites the additional limitation "including computer-executable instructions stored thereon for performing a method comprising." Zetts teaches the computer readable mediums as memory, a hard disk storage, and a floppy disk device (figure 1; column 3, line 62- column 4 line 2). Therefore claim 65 is rejected with claim 19.

With respect to <u>Claims 2 and 32</u>, Zetts teaches accepting input in an area of the digitizer representing the first control element (column 4, lines 54-55).

With respect to <u>Claims 3 and 33</u>, Zetts teaches the input to include electronic ink (column 4, lines 27-31; Note that "electronic ink" is interpreted as handwritten characters that are processed as pen strokes).

With respect to <u>Claims 22, 47, 57, and 66</u>, due to the limitations covered by both claim 2 and 3, claims 22, 47, 57, and 66 are also rejected.

With respect to <u>Claims 4, 34 and 58</u>, Zetts teaches moving the first stylus away from the digitizer without contacting a surface of the digitizer such that the input indicating first stylus proximity is no longer received (column 5, lines 50-54; Note that only when contact is made with the stylus can proximity information be received for the location to be determined, therefore when no contact is made input indicating proximity is no longer received).

With respect to <u>Claims 5 and 35</u>, Zetts teaches that prior to providing focus, the method further includes determining a location of the first stylus with respect to representations of plural control elements of a user interface on a screen (column 5, lines 50-54; Note that the plural control elements are shown in figure 5 as text entry fields such as elements 69, 63, and 71). In

order to determine the location of the stylus, detection of the stylus on the digitizer must first be determined during the touchdown point of the stylus, only then can focus be later determined.

With respect to Claims 10, 24, 39, and 49, Zetts teaches preparing the first control element to receive input (figure 9; column 5, line 63- column 6, line 5; Note that the term "preparing" is checking whether the application is pen-aware and whether testing of the current mode is enabled for text, this occurs after the location of the stylus is detected which is equivalent to providing focus).

With respect to Claim 18, 30, 45, 55, 64, and 72, Zetts teaches providing a visual indicator when focus is provided (column 4, lines 49-51).

With respect to Claim 20, Zetts teaches determining that the first stylus is located proximate to the digitizer surface and providing the focus in response to this determination. (figure 7, 700 and 705; column 5, lines 17-23; Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to the determination of a touchdown event. The surface of the digitizer is the portion having display. After the location of the stylus is determined the focus is provided by element 715. Determination of the window text only is equivalent to providing focus when appropriate. The focus is the position of the cursor on the display corresponding to the location of the stylus on the digitizer).

With respect to <u>Claim 21</u>, Zetts teaches sensing contact between the first stylus and the surface of the digitizer and providing the focus in response to the sensing (figure 7, 700 and 705; column 5, lines 17-23; Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to the determination of a touchdown event. After the location of the stylus is determined the focus is provided by element 715. Determination of the window text only is equivalent to providing focus when appropriate. The focus is the position of the cursor on the display corresponding to the location of the stylus on the digitizer).

Claim Rejections - 35 USC § 103

4. <u>Claim 6</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. as applied to claim 1 above, and further in view of Brittenham et al. (Patent No.: 5,905,486).

With respect to <u>Claim 6</u>, Zetts does not teach a method of providing focus that includes rendering an enlarged view of at least a portion of a representation of the first control element. Brittenham teaches a method of providing focus that includes rendering an enlarged view of at least a portion of a representation of the first control element (Figure 9 and 10; Note that the portion of the control element that is enlarged is the text entry field area corresponding to the next entry point for a character). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of rendering an enlarged view of at least a portion of a representation of the first control element, as taught by Brittenham, to the method of receiving input indicating location proximity to a digitizer of Zetts for the purpose of

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maintaining attention to the location where entry is being scribed and displayed (column 11, lines 33-37).

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5. <u>Claims 7, 23, 36, 48, 59, and 67</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. as applied to claim 1 above, and further in view of Bellwood et al. (Pub. No.: 2005/0039137).

With respect to Claims 7 and 23, Zetts does not teach a method of providing focus that includes providing an enlarged area for accepting input directed to the first control element. Bellwood teaches a method of providing focus that includes providing an enlarged area for accepting input directed to the first control element (Figure 6A and 6B; Note that the text field "First Name" is the enlarged view). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of providing an enlarged area for accepting input directed to the first control element, as taught by Bellwood, to the method of receiving input indicating location proximity to a digitizer of Zetts for the purpose of resizing and relocating the first control element for easier manipulation (page 4, [0050], lines 4-9; Note that the reference uses the term "overlay controls" which is equivalent to providing an enlarged text input field).

With respect to Claims 36, 48, 59, and 67, claims 36, 48, 59, and 67 differ from claim 7 in that the limitation "in response to the first control element receiving focus" is additionally recited. It is inherent that focus is provided to the control element before enlargement because

the processor must first determine which element receives the enlarging capabilities. Bellwood further teaches that the additional limitation is in fact in response to the first control element receiving focus (page 4, [0051], lines 4-7; Note that the program must receive a set focus message which is equivalent to the cursor placed at the appropriate area and then the control element will be enlarged or resized).

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6. Claims 8, 9, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. as applied to claim 1 above, and further in view of Higashio (Patent No.: 5,900,869).

With respect to Claims 8 and 37, Zetts does not teach a method of maintaining a mouse focus separate from the focus corresponding to the first stylus location. Higashio teaches maintaining a mouse focus separate from the focus corresponding to the first stylus location (See figure 1; column 3, lines 16-23). In column 6, lines 36-39, Higashio states that a device other than a mouse may be used as an input device, therefore the input devices may comprise a mouse and a stylus. Figure 1 further shows Higashio's teaching of maintaining a mouse focus separate from the focus corresponding to the location of a stylus. The multiple cursors (figure 1, 13a-d) clearly indicate that a mouse focus is separate from a stylus focus, where focus is the positioning of a cursor on a display. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of maintaining a mouse focus separate from the focus corresponding to the first stylus location, as taught by Higashio, to the method of receiving input indicating location proximity to a digitizer of Zetts for the purpose of having indication of a Application/Control Number: 10/644,899 Page 10

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program from a plurality of input devices and for a plurality of users to commonly share one processor system (column 1, lines 62-65).

With respect to Claims 9 and 38, Zetts does not teach a method of maintaining a keyboard focus separate from the focus corresponding to the first stylus location. Higashio teaches a method of maintaining a keyboard focus separate from the focus corresponding to the first stylus location (See figure 1; column 3, lines 16-23). In column 6, lines 36-39, Higashio states that a device other than a mouse may be used as an input device, therefore the input devices may comprise a keyboard and a stylus. Figure 1 further shows Higashio's teaching of maintaining a keyboard focus separate from the focus corresponding to the location of a stylus. The multiple cursors (figure 1, 13a-d) clearly indicate that a keyboard focus is separate from a stylus focus, where focus is the positioning of a cursor on a display. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of maintaining a keyboard focus separate from the focus corresponding to the first stylus location, as taught by Higashio, to the method of receiving input indicating location proximity to a digitizer of Zetts for the purpose of having indication of a program from a plurality of input devices and for a plurality of users to commonly share one processor system (column 1, lines 62-*65)*.

7. Claims 11-14, 25-28, 40-43, 50-53, 60-62, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. as applied to claims 1 and 10 above, and further in view of Sekizawa et al. (Patent No.: 6,239,789).

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With respect to Claims 11, 25, 40, 50, 60, and 68 Zetts does not teach preparing the first control element for receiving input as increasing a polling frequency in an area of the digitizer corresponding to the first control element. Sekizawa teaches the increase in polling frequency in an area of the digitizer corresponding to a first stylus (column 15, lines 11-16). Since the location of a stylus corresponds to the position of a cursor on a display then the detecting of a stylus is equivalent to providing focus to a control element. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of increasing the polling frequency in an area of the digitizer corresponding to a first stylus, as taught by Sekizawa, to the method of receiving input indicating location proximity to a digitizer of Zetts for the purpose of permitting improved trackability (column 15, line 15-16).

With respect to Claims 12, 41, 51 and 61, Zetts does not teach a method of receiving a second input indicating that a second stylus is located proximate to the digitizer. Sekizawa teaches a method of receiving input indicating that a second stylus is located proximate to the digitizer (column 9, lines 6-11; Note that determining the location of the second stylus is through the measurement of the resonant frequency through an electromagnetic transfer system as noted in the brief description for figure 7 on column 7 lines 51-53). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of indicating that a second stylus is located proximate to the digitizer, as taught by Sekizawa, to the method of receiving an input indicating that a first stylus is located proximate to a digitizer, of

Zetts for the purpose of improving trackability in detecting a plurality of styli (column 6, lines 46-47; The term stylus is equivalent to position indicator).

With respect to Claims 26 and 69, the claims 26 and 69 differ from claim 12 only in that claims 26 and 69 recite the limitation "determining whether a second ..." instead of the limitation "receiving a second ..." Claims 26 and 69 also recite the additional limitation "proximate to the surface of". Zetts teaches the stylus as proximate to the surface of the digitizer (column 4, lines 49-51; figure 3). The interchange of the terms determining and receiving are already taught by Zetts since an input signal must be received to determine the location of the stylus and in order to determine a location of a stylus, a signal must be received.

With respect to Claim 13, Zetts does not teach a method of providing focus to a second control element corresponding to a location of the second stylus. Sekizawa teaches a second detection process for detecting an approximate position of a second stylus (column 6, line 67 through column 7, line 2). Since Zetts teaches the provision of focus to a first control element after receiving input indicating that a first stylus is located proximate to a digitizer then it would have been obvious to use the same method for more than one stylus. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting more than one stylus, as taught by Sekizawa, to the method of receiving input indicating that a stylus is located proximate to a digitizer such that focus can be provided to a control element, of Zetts such that the modified combination would produce a method of providing focus to a second control element corresponding to a location of the second stylus for

the purpose of improving trackability in detecting a plurality of styli (column 6, lines 46-47; The term stylus is equivalent to position indicator).

With respect to Claims 42 and 62, the claims differ from claim 13 only in that claims 42 and 62 have the additional limitation "in response to the second input" is recited. Since claim 13 is dependent on claim 12, which recites a second input is located proximate to a digitizer then claims 42 and 62 are rejected with claim 13.

With respect to Claims 27, 52, and 70, Zetts teaches a method of providing focus to a control element when a location of the stylus corresponds to an area of the digitizer representing the control element in response to a determination that the stylus is located proximate to the digitizer or contact between the stylus and the surface of the digitizer (figure 7, 700 and 705; column 5, lines 17-23; Note that the determining of a stylus located proximate to a surface of the digitizer is equivalent to the determination of a touchdown event. After the location of the stylus is determined the focus is provided by element 715. Determination of the window text only is equivalent to providing focus when appropriate. The focus is the position of the cursor on the display corresponding to the location of the stylus on the digitizer). Zetts does not teach such a method for a second stylus corresponding to a second control element. Sekizawa teaches a second detection process for detecting an approximate position of a second stylus (column 6, line 67 through column 7, line 2). Since Zetts teaches the provision of focus to a first control element after receiving input indicating that a first stylus is located proximate or in contact to a digitizer then it would have been obvious to use the same method for more than one stylus. It would have

been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting more than one stylus, as taught by Sekizawa, to the method of receiving input indicating that a stylus is located proximate to a digitizer such that focus can be provided to a control element, of Zetts such that the modified combination would produce a method of providing focus to a second control element when a location of the second stylus corresponds to an area of the digitizer representing the second control element in response to a determination that the second stylus is located proximate to the digitizer or contract between the second stylus and the surface of the digitizer for the purpose of improving trackability in detecting a plurality of styli (column 6, lines 46-47; The term stylus is equivalent to position indicator).

With respect to Claims 14, 28, 43 and 53, Zetts does not teach a method where focus to the second control element is provided concurrent with focus to the first control element.

Sekizawa teaches a method of concurrently detecting styli (column 11, lines 62-65). The styli are detected concurrently because both of the styli are placed on the detection device at the same time, as shown in figure 4c. As stated earlier with respect to claim 19, focus is provided after the location of the stylus on the digitizer is determined. Since Zetts teaches the provision of focus to a control element after receiving input indicating that a stylus is located proximate to a digitizer then it would have been obvious to use the same method for providing focus to a second control element. The focus to the second control element would be due to the detected location of the second stylus. It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of detecting styli, as taught by Sekizawa, to the method of providing focus to a control element of Zetts such that the modified combination would produce

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a method of providing focus to a second control element that is concurrent to the focus of a first control element for the purpose of permitting higher efficiency in practical use (column 15, lines 34-35).

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8. Claims 15, 29, 44, 54, 63, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. as applied to claim 1 above, and further in view of Karson et al. (Pub. No.: 2005/0160371).

With respect to Claims 15, 29, 44, 54, 63, and 71, Zetts does not teach a method of moving the first stylus from a first area corresponding to the first control element to a second area corresponding to a second control element and changing focus from the first control element to the second control element. Karson teaches a method of moving the first stylus from a first area corresponding to the first control element to a second area corresponding to a second control element and changing focus from the first control element to the second control element (page 2, [0024], lines 5-17). It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use the method of moving the first stylus from a first area corresponding to the first control element to a second area corresponding to a second control element and changing focus from the first control element to the second control element to the method of receiving input indicating location proximity to a digitizer of Zetts, for the purpose of providing an improved user interface for context management (page 1, [0014], lines 1-2).

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9. <u>Claims 16 and 17</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetts et al. in view of Karson, as applied to claims 1 and 15, and further in view of Sekizawa.

With respect to <u>Claim 16</u>, Zetts does not teach a method where the first stylus does not contact a surface of the digitizer prior to moving from the first area to the second area. Sekizawa teaches a method where the first stylus does not contact a surface of the digitizer prior to moving from the first area to the second area (column 11, lines 40-46). In the brief description (column 7, lines 51-53) Sekizawa states that the position detector employs a conventional electromagnetic transfer system. It is well known in the art that in order for the position detector to detect a stylus that the stylus can either contact or be in close proximity (not contacting) to the position detector. The first area is on the position detector and the second area is an area out of the sensor surface (Note that the second area can also correspond to another position on the sensor).

With respect to <u>Claim 17</u>, Zetts teaches a method where the first stylus contacts a surface of the digitizer prior to moving from the first area to the second area (column 5, lines 50-54; Note that the first area corresponds to movement from an initial location of contact and the second area can be the final location of the stylus before contact is broken between the digitizer and stylus).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a. Perala (Patent No.: 5,917,472) is cited to teach a cursor control system with

multiple pointing devices.

b. Barber et al. (Patent No.: 5,586,243) is cited to teach multiple display pointers for

computer graphical user interfaces.

c. Yoshikawa et al. (Pub. No.: 2003/0231170) is cited to teach a digitizing tablet that

provides visual and physical signals when input is detected.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Donna V. Lui whose telephone number is (571) 272-4920. The

examiner can normally be reached on Monday through Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donna V Lui Examiner

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KENT CHANG PRIMARY EYAMINER

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